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Report of the Disarmament Commission

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NOTE

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I. INTRODUCTION

1. At its fifty-first session, the General Assembly adopted resolution 51/47 B of 10 December 1996, entitled "Report of the Disarmament Commission", which reads as follows:

"The General Assembly,

"Having considered the report of the Disarmament Commission,[1]

"Recalling its resolutions 47/54 A of 9 December 1992, 47/54 G of 8 April 1993, 48/77 A of 16 December 1993, 49/77 A of 15 December 1994 and 50/72 D of 12 December 1995,

"Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions adopted by the General Assembly at its tenth special session,

"1. Takes note of the report of the Disarmament Commission;[1]

"2. Commends the Disarmament Commission for its adoption by consensus, at its 1996 substantive session, of a set of guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991,[2] which were recommended to the Assembly for consideration;

"3. Endorses the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, as adopted by the Disarmament Commission;

"4. Notes with satisfaction that the Disarmament Commission has made significant progress in the discussions on its agenda item regarding the convening of the fourth special session of the General Assembly devoted to disarmament;

"5. Reaffirms the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;

"6. Also reaffirms the role of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

"7. Encourages the Disarmament Commission to continue to make every effort to enhance its working methods so as to enable it to give focused consideration to a limited number of priority issues in the field of disarmament, bearing in mind the decision it has taken to move its agenda towards a three-item phased approach;

"8. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly,[3] and with

paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items of its agenda, taking into account the adopted 'Ways and means to enhance the functioning of the Disarmament Commission';[4]

"9. Recommends that, pursuant to the adopted three-item phased approach, the Disarmament Commission, at its 1996 organizational session, adopt the following items for consideration at its 1997 substantive session:

"(a) The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned;

"(b) The fourth special session of the General Assembly devoted to disarmament;

"(c) [To be added];[5]

"10. Requests the Disarmament Commission to meet for a period not exceeding four weeks during 1997 and to submit a substantive report to the General Assembly at its fifty-second session;

"11. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament,[6] together with all the official records of the fifty-first session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

"12. Also requests the Secretary-General to ensure full provision to the Disarmament Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;

"13. Decides to include in the provisional agenda of its fifty-second session the item entitled 'Report of the Disarmament Commission'."

2. The Disarmament Commission met at United Nations Headquarters and held three meetings, on 9 and 11 December 1996 and 21 April 1997 (A/CN.10/PV.207-209), for its organizational session. During that session, the Commission considered questions related to the organization of work for its 1997 substantive session in accordance with the adopted "Ways and means to enhance the functioning of the Disarmament Commission" (A/CN.10/137) and in the light of General Assembly resolution 51/47 B. The Commission took up the question of the election of its officers, taking into account the principle of rotation of the chairmanship among the geographic regions. The Commission decided that the third substantive agenda item for the 1997 substantive session would be "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N". The Commission considered the provisional agenda for the 1997 substantive session and decided to establish a committee of the whole and three working groups to deal with the three substantive items on the agenda. The Commission further decided that its next substantive session would be held from 21 April to 13 May 1997.

II. ORGANIZATION AND WORK OF THE 1997 SUBSTANTIVE SESSION

3. The Disarmament Commission met at United Nations Headquarters from 21 April to 13 May 1997. In the course of its session, the Commission held seven plenary meetings (see A/CN.10/PV.210-216) under the chairmanship of Mr. Andelfo J. García (Colombia). Ms. Cheryl H. Stoute, Political Affairs Officer of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Commission.

4. During the 1997 session, the Bureau of the Commission was constituted as follows:

Chairman: Mr. Andelfo J. García (Colombia)

Vice-Chairmen: Representatives of the following States: Belarus, Cuba, Gabon, Ghana, Luxembourg, Mongolia, Romania and Viet Nam

Rapporteur: Ms. Genevieve Hamilton (Australia)

5. At its 210th plenary meeting, on 21 April 1997, the Commission adopted its provisional agenda, contained in document A/CN.10/L.40, as follows:

1. Opening of the session.

2. Adoption of the agenda.

3. Organization of work.

4. Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned.

5. Fourth special session of the General Assembly devoted to disarmament.

6. Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N.

7. Report of the Disarmament Commission to the General Assembly at its fifty-second session.

8. Other business.

6. At the same meeting, the Commission approved its general programme of work for the session (A/CN.10/1997/CRP.1/Rev.1) and decided to allocate five meetings to a general exchange of views.

7. From 21 to 23 April, the Disarmament Commission held a general exchange of views on all agenda items (see A/CN.10/PV.210-213).

8. In accordance with the decisions taken at its organizational session the Disarmament Commission entrusted Working Group I with the mandate of dealing with agenda item 4, entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned". Working Group I met under the chairmanship of

Mr. Abdelkader Mesdoua (Algeria) and held 10 meetings between 24 April and 9 May.

9. The Commission entrusted Working Group II with the mandate of dealing with agenda item 5, entitled "Fourth special session of the General Assembly devoted to disarmament". Working Group II met under the chairmanship of Mr. Sudjadnan Parnohadiningrat (Indonesia) and held 12 meetings between 28 April and 9 May.

10. The Commission entrusted Working Group III with the mandate of dealing with agenda item 6, entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N". Working Group III met under the chairmanship of Mr. Michael Hoey (Ireland) and held 10 meetings between 23 April and 8 May.

11. At its 216th plenary meeting, on 13 May, the Disarmament Commission considered the reports of Working Groups I, II and III on agenda items 4, 5 and 6, respectively. The reports of the subsidiary bodies of the Commission and the conclusions and recommendations contained therein are included in section IV of the present report.

12. In accordance with past practice of the Disarmament Commission, some non-governmental organizations attended the plenary meetings.

III. DOCUMENTATION

A. Documents submitted by the Secretary-General

13. Pursuant to paragraph 11 of General Assembly resolution 51/47 B, the Secretary-General, by a note dated 4 April 1997, transmitted to the Disarmament Commission the annual report of the Conference on Disarmament,[6] together with all the official records of the fifty-first session of the General Assembly relating to disarmament matters (A/CN.10/193).

B. Other documents, including documents submitted by Member States

14. In the course of the Commission's work, the documents listed below, dealing with substantive questions, were submitted.

15. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Mongolia (A/CN.10/195).

16. A working paper entitled "Nuclear-weapon-free zones: a comparative perspective" was submitted by Canada under the agenda item entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" (A/CN.10/1997/WG.I/WP.1).

17. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Japan (A/CN.10/1997/WG.I/WP.2).

18. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Argentina, Brazil, Chile, New Zealand, South Africa and Uruguay (A/CN.10/1997/WG.I/WP.3).

19. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by South Africa (A/CN.10/1997/WG.I/WP.4).

20. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by the United States of America (A/CN.10/1997/WG.I/WP.5).

21. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by the Netherlands, on behalf of the European Union (A/CN.10/1997/WG.I/WP.6).

22. A working paper entitled "Establishment of a nuclear-weapon-free zone in the Middle East" was submitted by Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates and Yemen under the agenda item entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" (A/CN.10/1997/WG.I/WP.7).

23. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Israel (A/CN.10/1997/WG.I/WP.8).

24. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Belarus (A/CN.10/1997/WG.I/WP.9).

25. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Lebanon and the Syrian Arab Republic (A/CN.10/1997/WG.I/WP.10).

26. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by China (A/CN.10/1997/WG.I/WP.11).

27. A working paper entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned" was submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (A/CN.10/1997/WG.I/WP.12).

28. A working paper entitled "Fourth special session of the General Assembly devoted to disarmament" was submitted by Indonesia, on behalf of the Member States that are members of the Movement of Non-Aligned Countries and other States[7] (A/CN.10/1997/WG.II/WP.1).

29. A working paper entitled "Fourth special session of the General Assembly devoted to disarmament" was submitted by the United States of America (A/CN.10/1997/WG.II/WP.2).

30. A working paper entitled "Criteria for evaluating potential agreements on measures to control arms and promote stability" was submitted by Canada under the agenda item entitled "Fourth special session of the General Assembly devoted to disarmament" (A/CN.10/1997/WG.II/WP.3).

31. A working paper entitled "Fourth special session of the General Assembly devoted to disarmament" was submitted by China (A/CN.10/1997/WG.II/WP.4).

32. A working paper entitled "Fourth special session of the General Assembly devoted to disarmament" was submitted by the Netherlands, on behalf of the European Union (A/CN.10/1997/WG.II/WP.5).

33. A working paper entitled "Guidelines on conventional arms control/ limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" was submitted by Germany and other sponsors of General Assembly resolution 51/45 N (A/CN.10/194).

34. A working paper entitled "Guidelines on conventional arms control/ limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" was submitted by South Africa (A/CN.10/196).

35. A working paper, an abstract of a paper on the practical disarmament, demobilization and reintegration measures for peace-building, was submitted by Canada under the agenda item entitled "Guidelines on conventional arms control/

limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" (A/CN.10/1997/WG.III/WP.1).

36. A working paper entitled "Guidelines on conventional arms control/ limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" was submitted by Pakistan (A/CN.10/1997/WG.III/WP.2).

37. A working paper entitled "Practical disarmament, demobilization and reintegration measures for peace-building" was submitted by Canada under the agenda item entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" (A/CN.10/1997/WG.III/WP.3).

38. A working paper entitled "Guidelines on conventional arms control/ limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" was submitted by the United States of America (A/CN.10/1997/WG.III/WP.4).

39. A working paper entitled "Guidelines on conventional arms control/ limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" was submitted by China (A/CN.10/1997/WG.III/WP.5).

40. A number of other informal working papers dealing with substantive questions were also submitted by Member States to the working groups and are referred to in the reports.

IV. CONCLUSIONS AND RECOMMENDATIONS

41. At its 216th plenary meeting, on 13 May, the Disarmament Commission adopted by consensus the reports of its subsidiary bodies and the conclusions and recommendations contained therein regarding agenda items 4, 5 and 6. The Commission agreed to submit the texts of those reports, reproduced below, to the General Assembly.

42. At the same meeting, the Commission adopted, as a whole, its report to the General Assembly at its fifty-second session.

43. The report of Working Group I on agenda item 4 reads as follows:

"Report of Working Group I on agenda item 4

"1. At its 210th meeting, on 21 April 1997, the Disarmament Commission approved its provisional agenda for the 1997 substantive session (A/CN.10/L.40). It also decided to allocate to Working Group I agenda item 4 entitled 'Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned', pursuant to General Assembly resolution 51/47 B of 10 December 1996.

"2. In connection with its work, Working Group I had before it the following documents:

(a) Working paper submitted by Mongolia (A/CN.10/195);

(b) Working paper submitted by Canada (A/CN.10/1997/WG.I/WP.1);

(c) Working paper submitted by Japan (A/CN.10/1997/WG.I/WP.2);

(d) Working paper submitted by Argentina, Brazil, Chile, New Zealand, South Africa and Uruguay (A/CN.10/1997/WG.I/WP.3);

(e) Working paper submitted by South Africa (A/CN.10/1997/WG.I/WP.4);

(f) Working paper submitted by the United States of America (A/CN.10/1997/WG.I/WP.5);

(g) Working paper submitted by Netherlands, on behalf of the European Union (A/CN.10/1997/WG.I/WP.6);

(h) Working paper submitted by Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates and Yemen (A/CN.10/1997/WG.I/WP.7);

(i) Working paper submitted by Israel (A/CN.10/1997/WG.I/WP.8);

(j) Working paper submitted by Belarus (A/CN.10/1997/WG.I/WP.9);

(k) Working paper submitted by Lebanon and the Syrian Arab Republic (A/CN.10/1997/WG.I/WP.10);

(l) Working paper submitted by China (A/CN.10/1997/WG.I/WP.11);

(m) Working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (A/CN.10/1997/WG.I/WP.12).

"3. The Working Group met under the chairmanship of Mr. Abdelkader Mesdoua (Algeria) and held 10 meetings between 24 April and 9 May 1997. The Chairman also conducted a number of informal consultations. Mr. Timur Alasaniya of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Working Group.

"4. At the 1st meeting of the Working Group, the Chairman proposed to structure discussions during the first year around four elements: general overview; scope; principles and objectives; and recommendations. It was also suggested that a new element should be added on institutional arrangements.

"5. The Working Group also decided that two meetings would be devoted to discussion of each of the three elements, namely general overview, scope and principles and objectives. The Working Group agreed that it was not in a position to take up the institutional arrangements and recommendations at the current early stage of the consideration of the subject matter.

"6. The first three meetings of the Working Group were devoted to general discussions on the structure of the future document and the organization of work.

"7. At its 4th meeting, on 29 April, the Working Group began structured consideration of the views and proposals expressed during the previous meetings. During the course of the deliberations of Working Group I, the wide range of the topic under its consideration was demonstrated by the large number of working papers and other written submissions introduced by the delegations.

"8. These working papers were introduced during the entire three-week time-span in which the meetings of Working Group I were convened. A useful preliminary exchange of views took place on the papers put forward.

"9. All working papers introduced by delegations will be transmitted, together with the present report, to the 1998 substantive session of the Disarmament Commission, with a view to allowing Member States further to study the ideas contained in these documents, thus preparing the ground for subsequent in-depth considerations at next year's session of the Disarmament Commission.

"10. In order to further facilitate these considerations, the Chairman of Working Group I prepared, as his own reflections on the issues at hand, a paper which is contained in the annex to the present report [see annex I to the present report]. The paper was submitted at the sole discretion of the Chairman without any prejudice to the positions of any delegation and without intention to influence further consideration of the issue. The Chairman takes responsibility for the content of the paper, which is non-binding for the delegations.

"11. At the next session of the Disarmament Commission, the following topics could be considered besides, inter alia, the scope of the discussion. The list of topics proposed below is not exhaustive. The topics are subject to further reflection, are without prejudice to the positions of the Member States and are not obligatory.

1. Nuclear-weapon-free zones as means for enhancing peace, security and stability, regionally and globally.

2. The characteristics of the region concerned, including the geographical definition of the zone.

3. Elements conducive to the establishment of nuclear-weapon-free zones, taking into account characteristics of existing treaties or agreements establishing nuclear-weapon-free zones.

4. Role of verification mechanisms and of International Atomic Energy Agency (IAEA) full-scope safeguards.

5. Consultation and negotiating processes leading to the establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned.

6. Relationships between nuclear-weapon-free zones and other existing nuclear non-proliferation and disarmament treaties.

"12. At its 10th meeting, on 9 May 1997, the Working Group considered and adopted by consensus its report on the item entitled 'Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned'."

44. The report of Working Group II on agenda item 5 reads as follows:

"Report of Working Group II on agenda item 5

"1. At its organizational meeting, held on 9 December 1996, the Disarmament Commission decided to establish Working Group II to continue to deal with agenda item 5 on the fourth special session of the General Assembly devoted to disarmament, pursuant to General Assembly resolutions 51/47 B and 51/45 C of 10 December 1996.

"2. In connection with its work, the Working Group had before it the following documents:

(a) Working paper submitted by the United States of America (A/CN.10/1996/WG.II/WP.1);

(b) Working paper submitted by Italy, on behalf of the European Union (A/CN.10/1996/WG.II/WP.2);

(c) Working paper submitted by Indonesia, on behalf of the Member States that are members of the Movement of Non-Aligned Countries and other States (A/CN.10/1996/WG.II/WP.3);

(d) Working paper submitted by Italy, on behalf of the European Union (A/CN.10/1996/WG.II/WP.4);

(e) Working paper submitted by New Zealand (A/CN.10/1996/WG.II/WP.5);

(f) Working paper submitted by the Chairman (A/CN.10/1996/WG.II/WP.6);

(g) Working paper submitted by Indonesia, on behalf of the Member States that are members of the Movement of Non-Aligned Countries and other States (A/CN.10/1997/WG.II/WP.1);

(h) Working paper submitted by the United States of America (A/CN.10/1997/WG.II/WP.2);

(i) Working paper submitted by Canada (A/CN.10/1997/WG.II/WP.3);

(j) Working paper submitted by China (A/CN.10/1997/WG.II/WP.4);

(k) Working paper submitted by the Netherlands, on behalf of the European Union (A/CN.10/1997/WG.II/WP.5).

"3. The Working Group met under the chairmanship of Mr. Sudjadnan Parnohadiningrat (Indonesia) and held 12 meetings between 28 April and 9 May. Mr. Mohammad Sattar and Ms. Carolyn Cooper of the Centre for Disarmament Affairs served as Senior Adviser and Secretary of the Working Group, respectively. The Chairman of the Working Group also conducted informal consultations during the session.

"4. At its 1st meeting, on 28 April, the Chairman of the Working Group made a substantive introductory statement. The Working Group decided to devote three meetings to a general exchange of views on the subject.

"5. At its 4th meeting, on 30 April, the Working Group decided that the Chairman's non-paper, which had been prepared in consultation with delegations, should serve as a basis for consideration of the subject at the 1997 session of the Disarmament Commission.

"6. During the period from 30 April to 8 May, the Working Group engaged in substantive deliberations on a series of revisions of the non-paper prepared by the Chairman. In those revisions, the Chairman drew upon the suggestions put forward by various delegations.

"7. At its 12th meeting, on 9 May, the Working Group concluded that, after intensive consultations, it was generally agreed that a fourth special session devoted to disarmament would be convened, subject to the emergence of a consensus on its objectives and agenda. Although no consensus on objectives and agenda was reached, some progress was made. It was also generally agreed that the decision on convening a fourth special session should follow the procedure set for previous special sessions of the General Assembly devoted to disarmament.

"8. At the same meeting, the Working Group decided to recommend that the item entitled 'Fourth special session of the General Assembly devoted to disarmament' should be included in the agenda of the Disarmament Commission at its 1998 session.

"9. Also at its 12th meeting, the Working Group took note of the paper presented by the Chairman, on which there is no consensus. If the Commission decides to include this item in the agenda of its 1998 session, the paper presented by the Chairman, as annexed to the present report [see annex II to the present report], will be without prejudice to the position of any delegation.

"10. At the same meeting, the Working Group adopted by consensus its report on the agenda item entitled 'Fourth special session of the General Assembly devoted to disarmament'."

45. The report of Working Group III on agenda item 6 reads as follows:

"Report of Working Group III on agenda item 6

"1. At its 210th meeting, on 21 April 1997, the Disarmament Commission approved its provisional agenda for the 1997 substantive session (A/CN.10/L.40). It also decided to allocate to Working Group III agenda item 6 entitled 'Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N', pursuant to General Assembly resolution 51/47 B of 10 December 1996.

"2. In connection with its work, Working Group III had before it the following documents:

(a) Chairman's paper;

(b) Working paper submitted by Germany and other sponsors of General Assembly resolution 51/45 N (A/CN.10/194);

(c) Working paper submitted by South Africa (A/CN.10/196);

(d) Working paper submitted by Canada (A/CN.10/1997/WG.III/WP.1);

(e) Working paper submitted by Pakistan (A/CN.10/1997/WG.III/WP.2);

(f) Working paper submitted by Canada (A/CN.10/1997/WG.III/WP.3);

(g) Working paper submitted by the United States of America (A/CN.10/1997/WG.III/WP.4);

(h) Working paper submitted by China (A/CN.10/1997/WG.III/WP.5).

"3. The Working Group met under the chairmanship of Mr. Michael Hoey (Ireland) and held 10 meetings between 23 April and 8 May 1997. The Chairman also conducted a number of informal consultations. Ms. Cheryl Stoute of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Working Group.

"4. The Working Group devoted its first two meetings to a general exchange of views on the subject, in which a number of delegations participated. In addition to concrete ideas and proposals presented by delegations in the course of the general exchange of views, working papers were also submitted by the representative of Germany, on its own behalf and on behalf of other sponsors of General Assembly resolution 51/45 N, and by the representative of South Africa.

"5. At its 3rd meeting, on 29 April, the Chairman made an introductory statement and submitted to the Working Group a Chairman's non-paper, which had been prepared on the basis of the ideas and papers submitted to the Working Group during the course of the general exchange of views.

"6. At its 4th through 9th meetings, from 30 April to 7 May, the Working Group continued its consideration of the Chairman's non-paper. The non-paper was revised several times to include proposals and changes made by delegations during the deliberations. Working papers were also submitted by Canada, China, Pakistan and the United States of America.

"7. At its 10th meeting, on 8 May, the Working Group took note of the Chairman's paper. The Chairman's paper enjoyed support as a contribution to the elaboration of the guidelines. At the same time, some of the elements contained therein require further elaboration and refinement. The Chairman's paper is annexed to the present report [see annex III to the present report] without prejudice to the positions of delegations.

"8. At the same meeting, the Working Group considered, and adopted by consensus, its report on the item entitled 'Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N'."

Notes

[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 42 (A/51/42).

[2] Ibid., annex I.

[3] Resolution S-10/2.

[4] A/CN.10/137.

[5] At its 208th plenary meeting, on 11 December 1996, the Disarmament Commission adopted the agenda for its 1997 substantive session, including a third substantive item entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N".

[6] Official Records of the General Assembly, Fifty-first Session, Supplement No. 27 (A/51/27).

[7] List amended orally.

ANNEX I

Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned

A paper presented by the Chairman

The paper might be composed of the following chapter headings:

I. Introduction;

II. Scope;

III. Principles;

IV. [Institutional arrangements]:

- Role of the United Nations;
- Other institutional arrangements;

V. Recommendations.

I. INTRODUCTION

1. The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States, constitute an important disarmament measure.

2. A nuclear-weapon-free zone shall, as a general rule, be deemed to be any zone, recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby:

(a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for delimitation of the zone, is defined;

(b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute;

(c) The initiative for the creation of the zone should come from the States of the region concerned;

(d) The establishment of a nuclear-weapon-free zone should be supported by all countries concerned, including by the nuclear-weapon States.

3. A nuclear-weapon-free zone contributes to the propitious international climate in which the attainment of general and complete disarmament becomes more feasible; it is aimed at strengthening international peace and security and enhancing regional stability. Based on transparency and free exchange of

information, nuclear-weapon-free zones foster greater understanding between the neighbouring States and encourage cooperation among the countries of the region.

4. Zones give greater institutional expression in their regions to the global norms and commitments of nuclear non-proliferation; in that, they should be consistent with the existing international instruments of nuclear non-proliferation and disarmament.

5. For the members of the Non-Proliferation Treaty, zones significantly reinforce and expand upon the commitment of the non-nuclear-weapon States not to acquire nuclear weapons and to develop and use nuclear energy only under the International Atomic Energy Agency (IAEA) safeguards, thus strengthening the overall security of the Parties.

6. For nuclear-weapon States, nuclear-weapon-free zones provide an additional opportunity to pursue the commitments not to transfer or station nuclear weapons on the territories of the States party to zones and generally guarantee their nuclear-free status, thus contributing to the non-proliferation goal.

7. It is also a view that the establishment of nuclear-weapon-free zones represents a partial measure of security and can be meaningful only if simultaneous actions can be taken by the international community on negotiations towards the elimination of the weapons concerned.

8. The existing nuclear-weapon-free zones have attracted increasing attention and support as a means of expressing and promoting commonly held values in the field of disarmament. Taken together, these zones, established by the treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok, include some 114 nations. With the addition of Antarctica, demilitarized under the Antarctic Treaty, they cover more than 50 per cent of the earth's land mass.

9. Members of existing zones are diligently working together to share experiences with and support the efforts of States in other regions to establish new nuclear-weapon-free zones, and thus gradually increase the proportion of the world's land mass from which nuclear weapons are excluded. In this connection, the creation of nuclear-weapon-free zones in the Middle East, South Asia and Central Asia, as well as the single-State nuclear-weapon-free zone and nuclear-weapon-free space concepts, have attracted the attention of the Group.

II. SCOPE

1. Existing nuclear-weapon-free-zone treaties contain the following common elements: basic obligations; zone of application; institutional mechanisms; compliance and verification; security assurances; entry into force and protocols.

2. Basic obligations should focus, inter alia, on:

- Manufacturing, possession and development;
- Testing;
- Accidents;
- Nuclear security;

- Research;

- Transit;

- Export of nuclear materials;

- Dumping;

- Stationing;

- Peaceful nuclear explosions.

3. Zone of application:

3.1 A nuclear-weapon-free zone should form a clearly defined geographical entity; it should include all States of the region concerned. Such zones could be limited to the national territories of the parties, including their territorial sea and space.

3.2 The establishment of the zone should be compatible with the existing regional and international security arrangements and should not affect the right of its parties, including the inherent right of individual or collective self-defence guaranteed in the Charter of the United Nations, as well as freedom of navigation in the high seas, the right of innocent passage, port calls and overflight, recognized under international law.

3.3 The nuclear-weapon-free zones should organically blend into the system of wide, open-ended regional and global security structures and arrangements, supplement and add to them, and as such, should be decided on a case-by-case basis by the States involved.

4. Compliance, control and verification:

4.1 A nuclear-weapon-free zone should provide for effective verification of the obligations assumed by its parties, inter alia, by application of full-scope International Atomic Energy Agency safeguards to all nuclear facilities in the zone.

4.2 Special mechanisms are to be designed to monitor all nuclear activities of the zonal States with a view to ensuring that peaceful nuclear activities are not diverted to the manufacture of nuclear weapons; that no nuclear weapons are present within the zone; that nuclear weapons present in the zone are removed in conjunction with the entry into force of the zone agreement; and that other measures associated with the zone agreement are implemented.

4.3 The above elements rely on IAEA safeguards which could be supplemented by the regional control machinery. The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the Consultative Committee of the South Pacific Nuclear-Free Zone, the Commission for the South-East Asia Nuclear-Weapon-Free Zone and its subsidiary organ, the Executive Committee, and the African Commission on Nuclear Energy, which will oversee and review the application of the IAEA safeguards system within their respective zones, could serve as an example for future regional control and compliance organizations.

5. Security assurances. The establishment of a nuclear-weapon-free zone should be supported by nuclear-weapon States, regional as well as non-regional, which provide negative security assurances to the regional parties, including a

commitment not to use or threaten to use nuclear weapons against regional State parties.

6. Entry into force. [In each particular case, the entry into force could be designed taking into consideration the specific characteristics of the zone being established.]

7. Protocols. The Protocols to the nuclear-weapon-free-zone treaties should cover provisions by which:

(a) The nuclear Powers accept and honour the nuclear-weapon-free status of the area;

(b) The non-regional States that may have jurisdiction over territories located within the zone of application accept the basic obligations assumed by regional States parties;

(c) Provisions prohibiting activities as described in section II.2 above.

[III. PRINCIPLES]

ANNEX II

Fourth special session of the General Assembly devoted to disarmament

Paper presented by the Chairman

A. Elements of understandings regarding the convening of the fourth special session of the General Assembly devoted to disarmament

1. The usefulness of/need for the special session will be apparent once its objectives are clarified and agreed by consensus.

2. The special session will be convened subject to the emergence of a consensus on its objectives and agenda.

3. A decision on convening the special session should follow the procedure set for previous special sessions of the General Assembly devoted to disarmament.

B. Elements for the objectives of the fourth special session on disarmament

Recognizing that a special session should set the future course of action in the field of disarmament and related security matters, emphasizing the importance of multilateralism in the process of disarmament, bearing in mind the historical significance of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, and the need to strengthen the machinery established by this session, as well as existing multilateral bodies and regimes, the objectives of the special session could include, inter alia:

(a) To review and assess the international situation in the context of fundamental changes after the cold war in the field of disarmament. To draw lessons from past endeavours, both successes and failures, by taking into account and building upon achievements since the first special session of the General Assembly devoted to disarmament;

(b) To identify new challenges and ways and means to address them;

(c) To establish an agreed plan of action for the future that would, inter alia, strengthen the central role of the United Nations and multilateralism in the field of disarmament;

(d) To set principles, guidelines and priorities for future disarmament efforts;

(e) To seize the opportunities and preserve and build upon the accomplishments of the past in the field of disarmament in order to strengthen international peace and security.

C. Issues to be taken up/agenda at the fourth special session on disarmament

All issues in the field of disarmament and international security, including those of nuclear weapons and other weapons of mass destruction, conventional disarmament and disarmament machinery, should be discussed comprehensively and thoroughly at the special session. The issues to be

discussed at the special session should be examined on their own merits and include, inter alia:

- A review and assessment of the present international situation since the first special session, the post-cold-war era and trends at global, regional, subregional and national levels;

- A review of the implementation of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament;

- Nuclear disarmament;

- Non-proliferation of nuclear weapons;

- Other weapons of mass destruction;

- Conventional weapons issues;

- Regional disarmament;

- Confidence- and security-building measures and transparency;

- The question of universality of participation in existing agreements;

- Verification and compliance issues;

- Relationship between disarmament and development;

- Prevention of an arms race in outer space;

- General and complete disarmament;

- Disarmament concepts;

- Disarmament machinery;

- Drafting of a forward-looking plan of action.

D. Preparatory process

The preparatory process should include a thorough and careful preparation of the fourth special session on disarmament in order to secure the realization of its objectives:

- Organizational and procedural;

- Substantive.

ANNEX III

Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N

Chairman's paper

9 May 1997

Suggested scope/framework for future Guidelines as proposed in the title of the Working Group

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I. INTRODUCTION

The mandate of this Working Group flows, in part, from General Assembly resolution 51/45 N of 10 December 1996, which places particular emphasis on the consolidation of peace through practical disarmament measures. The Working Group is also tasked with considering, in parallel, broader conventional arms control/limitation and disarmament measures.

The conflicts of today highlight, on the one hand, the need for a comprehensive and integrated approach towards certain practical disarmament measures particularly with regard to small arms and light weapons, and, on the other hand, further initiatives in the area of conventional arms control/limitation and disarmament. The illicit arms trade, in particular, continues to have disproportionately large effects for the internal security and socio-economic development of affected States.

II. GENERAL FRAMEWORK

1. Guidelines are neither mandatory nor prescriptive and they should be adopted by consensus.

2. Guidelines should emphasize the consolidation of peace in post-conflict situations. They could also be helpful, where applicable and appropriate, in promoting peace and stability generally.

3. The Guidelines may be of assistance to:

   - The United Nations;

   - Relevant international organizations;

   - Regional organizations within their mandates and competences;

   - Governments;

   - Parties to a conflict in the context of peace agreements;

   in situations where they agree that they might be appropriate and applicable, for example, when assistance is requested from the United Nations or another competent regional or international organization.

4. The Guidelines could draw, inter alia, from the relevant experience gained and lessons learned by the United Nations and other relevant regional and international organizations in the area of consolidation of peace.

5. The Guidelines should:

   - Encompass practical disarmament measures which could have relevance to a conflict which is approaching solution, to a recently ended conflict and, as a consequence, to preventing a conflict from re-emerging. Such measures could include arms collection and destruction, demining and demobilization;

   - Encompass other conventional arms control/limitation and disarmament measures, such as, inter alia, arms control and confidence-building

measures, including transparency in armaments, the combating of the illicit arms trade (in particular, in small arms and light weapons).

6. The Working Group should not duplicate work being carried out in other areas of United Nations activity or other international forums. The outcome of the Informal Open-ended Working Group on an Agenda for Peace, the report of the United Nations Panel of Governmental Experts on Small Arms, the report of the United Nations international study on firearm regulation and the report of the Committee of Experts on the review and operation of the United Nations Register of Conventional Arms may be relevant and, where appropriate, could be taken account of in the Guidelines.

7. The importance of an appropriately coordinated approach between practical disarmament measures and the broader economic, political, social and humanitarian aspects of post-conflict rehabilitation, which fall outside the competence of the Disarmament Commission, should be emphasized.

III. PRINCIPLES

The drafting of principles would emerge from the discussion of practical disarmament measures and measures in the broader context of conventional arms control/limitation. Some of the principles already agreed by consensus within the Disarmament Commission are relevant and could usefully be drawn on. These are:

(a) Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991,[a] adopted in 1996;

(b) Guidelines and recommendations for regional approaches to disarmament within the context of global security,[b] adopted in 1993;

(c) Guidelines for the study on conventional disarmament (A/51/182, chap. II.D), adopted in 1982.

The following lists of possible further measures, in sections IV and V below, are merely indicative and not intended to be exhaustive. Additional measures could be considered at subsequent sessions of the Working Group. The measures proposed below are subject to further reflection and are without prejudice to the positions of Member States.

IV. PRACTICAL DISARMAMENT MEASURES

- Disarmament programmes, including the various steps in the arms collection and disposal process (destruction, turn-in/buy-back programmes, demobilization);

- Demining. Its relevance to these Guidelines could be considered in the context of arms reductions.

These programmes could be implemented in conjunction with, inter alia:

- Reintegration of combatants;

- Conversion;

- An effective public information campaign.

V. OTHER CONVENTIONAL ARMS CONTROL/LIMITATION AND DISARMAMENT MEASURES

a. Arms control and confidence-building measures including transparency in armaments, regulation and control of production, including:

- Regional arms control and confidence-building measures, aimed at the prevention and reduction of the excessive and destabilizing accumulation of weapons;

- Post-conflict moratoriums on the import, export and manufacture of small weapons;

- The effective operation of the United Nations Register of Conventional Arms. Role for regional arms registers complementary to the United Nations Register;

- The establishment of voluntary, global and non-discriminatory Codes of Conduct for conventional arms transfers with a view to promoting voluntary restraint and responsibility in conventional arms transfers.

b. Restraint in development, production, procurement and import of arms commensurate with legitimate and self-defence and security requirements taking into account the level of sophistication of arms imports.

c. Combating the illicit arms trade, inter alia, by:

- An adequate system of national laws and/or regulations and administrative procedures to exercise effective control over armaments. Import and export licensing system;

- Adequate border controls;

- Intensified international cooperation in the relevant field of criminal law.

d. Role of the United Nations:

- Coordination and assistance by the international community for national/regional disarmament measures in the context of the consolidation of peace.

Notes

[a] Official Records of the General Assembly, Fifty-first Session, Supplement No. 42 (A/51/42), annex I.

[b] Ibid., Forty-eighth Session, Supplement No. 42 (A/48/42), annex II.